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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,066	12/13/2004	Arthur Robert Lee	BWT-041148	3649
7590 12/13/2006			EXAMINER	
King & Jovanovic Suite 230 170 College Avenue Holland, MI 49423			KIM, SHIN H	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,066

Applicant(s)

ROBERT LEE ET AL.

Examiner

Shin Kim

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 32-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48, 60, 61 is/are allowed.
- 6) ☒ Claim(s) 32-42, 47, 49-59 is/are rejected.
- 7) ☒ Claim(s) 43-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. GB03/02541.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 47, 52, 53, 54, 55, 56, 57, 58, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Roudolf Garibian et al. U.S. Patent 6,345,458 (Garibian).

1. Regarding claim 32, Garibian discloses the claimed invention of a display unit (Figure 1 Element 10) comprising a mount that is mountable on the post, a top cover (Figure 1 Element 20), and a display carrier (Figure 1 Elements 30 and 35) that is used to display a poster or a sign in a first position.

Garibian continues to disclose the display carrier being movable coupled to the mount and is able to move to a second position, lower than the first position for changing the poster or sign (Column 3 Lines 20-27).

Garibian further discloses the display unit comprising a rainwater channel for mounting around the post used to protect the internal surfaces of the display

unit from any water running down the surface of the post (Column 2 Line 46-48).

Elements 20 and 25 are domed to make the device resistant to water. Therefore, the top and bottom cap act as a rainwater channel in that it allows rain to flow away from the internal surface.

2. Regarding claim 33, Garibian discloses the claimed invention of claim 32 and in addition, further states the second position orientation being proximal to ground level (Column 6 Line 48-64). In order to assemble the device, the top and bottom caps are removed and placed apart from the display body element. At this position the bottom cap is proximal the ground.

3. Regarding claim 34, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is suspended from the mount (Column 1 Line 66 – Column 2 Line 2). The display device Garibian discloses is adapted for mounting on a support. As shown in Figure 1, the display carrier is suspended from a mount.

4. Regarding claim 35, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is suspended substantially within the mount when located in the first position (Column 2 Line 2-6). When assembled, the display device is secured to a pole while the top and bottom

elements are attached to brackets or beams affixed to a vertical supporting structure.

5. Regarding claim 36, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is located substantially vertically below the mount when in the second position as shown in Garibian's Figure 1. The display carrier is positioned around the pole and is free to move vertically with respect to the pole. Therefore, the display carrier is free to be positioned substantially below a mount.

6. Regarding claim 37, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is lowerable substantially vertically from the mount from the first position to the second position. In reference to Garibian's Figure 1, it is anticipated by a person having ordinary skill in the art that the display carrier is lowerable vertically from the mount in the transitional phases of the first and second positions.

7. Regarding claim 38, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier comprises at least one display surface (Figure 1 Elements 30 and 35) and said display surface is visible through an aperture in the display unit (Column 3 Line 48-51), when located in the first position.

8. Regarding claim 39, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier and mount being oriented substantially concentrically (Column 5 Line 60-67). The mount and display disclosed in Garibian both have a circular cross section and are indeed concentric.

9. Regarding claim 40, Garibian discloses the claimed invention of claim 32 and in addition, further discloses at least one guide member to guide the display carrier (Figure 3 Elements 115 and 116). The apertures on the top and bottom cap act as a guide for the carrier, as a means to indicate where the mount is to be inserted.

10. Regarding claim 41, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is constrained to move coaxially with regard to the display unit (Figure 1). The mount is inserted into the display device, the device is restricted to be able to move only vertically. Hence, the carrier and display unit will be constrained to move coaxially.

11. Regarding claim 42, Garibian discloses the claimed invention of claim 32 and in addition, further states the display carrier is suspended from the mount by at least one support element (Figure 1 Element 49). These latches extend from

the cylinder rims to be inserted into the cap rims. Hence, the display device is suspended from the mount by means of latches.

12. Regarding claim 47, Garibian discloses the claimed invention of claim 32 and in addition, further discloses a biasing mechanism for biasing the display carrier towards said first position (Figure 3 Element 47, 48, 51). The elements are disclosed as vertical ridges that act as a guide when parts are assembled. The ridges are to be aligned (Column 5 Line 65-67).

13. Regarding claim 52, Garibian discloses the claimed invention of claim 32 and in addition, further states at least one light is provided (Figure 3 Element 120). Figure 3 is the display device mounted on a lamppost. Hence, the light source is provided.

14. Regarding claim 53, Garibian discloses the claimed invention of claim 52 and in addition, further states at least one light is a backlight (Column 3 Line 44-47). Garibian discloses the option of comprising a circuitry that will illuminate the device from the inside acting as a backlight.

15. Regarding claim 54, Garibian discloses the claimed invention of a display unit (Figure 2 Element 10) comprising a mount (Figure 1 Element 40), a top cover (Figure 1 Element 20), and a display carrier (Figure 1 Element 30 and 35).

Garibian continues to disclose a mechanism for biasing the display carrier towards the first position (Figure 1 Elements 47, 48, and 51). Garibian further discloses a rainwater channel for mounting around the post that protects the internal surface of the display unit from any water running down the surface of the post (Column 2 Line 46-48). The domed shaped top and bottom covers act as a rainwater channel by preventing water from falling into the internal surface of the display unit.

16. Regarding claim 55, Garibian discloses the claimed invention of claim 54 and in addition, further comprising a combination with a lamppost wherein the display unit is fixedly mounted on the lamppost (Figure 3).

17. Regarding claim 59, Garibian discloses the claimed invention of claim 54 and in addition states the parts for assembling a display unit is a kit. The definition of kit is as follows:

a set or collection of tools, supplies, instructional matter, etc., for a specific purpose.

Therefore, the set of parts for assembling the display unit in Garibian is a kit.

18. Regarding claim 56, Garibian discloses the claimed invention of claim 55 and in addition, further comprising two display surfaces provided on opposite

sides of lamppost (Figure 1 Element 30 and 35). The two display panels are faced directly opposite from each other and are indeed positioned on opposite sides of the lamppost.

19. Regarding claim 57, Garibian discloses the claimed invention of claim 55 and in addition, further states the lamppost has a transverse hole and the mount comprising a threaded bolt, which extends through said transverse hold to mount (Figure 5 and 6 Element 138). The bolt element is threaded through the lamppost as a means to keep the display device in place.

20. Regarding claim 58, Garibian discloses the claimed invention of claim 55 and in addition, further discloses an electrical connection that is provided from the lamppost to the display unit for supplying electricity to a light (Column 3 Line 44-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 49, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garibian.

1. Regarding claim 49, the claimed subject matter is an oval or elliptical in transverse shape. The shape specification is viewed as being well within the prior art realm of ordinary skill since having any shape would vary in accordance to the use or preference of the user. Such shape modification is commonly used to have a variety of designs.

2. Regarding claims 50 and 51, the claimed subject matter is a display surface with the dimension of "4 sheet poster" and "6 sheet poster". Size specification is viewed as being well within the prior art realm of ordinary skill since have a specific size would vary according to the size of the display device. Such a variation in size is used in public for small or big displays depending on the environment the display is to be used.

Conclusion

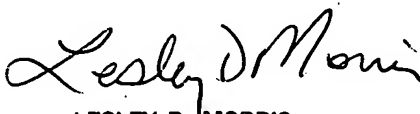
Art Unit: 3611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin Kim whose telephone number is 571-272-7788.

The examiner can normally be reached on (Monday - Friday) (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Shin (Connie) Kim
Patent Examiner
Art Unit 3611